

## Josette Tavares

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**From:** Chief P.J. Trujillo  
**Sent:** Wednesday, September 10, 2025 10:25 AM  
**To:** BoardOfAppeals  
**Cc:** Scott Ransom; Brittanie O'Neill  
**Subject:** 397 Palmer Avenue/Massage Parlor  
**Attachments:** VC 342-42.1 Massage Establishments.pdf

Good morning,

I wanted to inform you that the last massage parlor that was located at 397 Palmer Avenue was closed on September 19, 2024, by the police and building department, after four women were arrested for being unlicensed massage therapists, offering sexual services for fees, and various building code violations. I implore you to please make sure that the applicant adheres to every stipulation in the attached Village code, a fire inspection is conducted, and a certificate of occupancy is issued before a special permit is issued to the applicant.

Thank you for your time and consideration.

Regards,

**Chief P.J. Trujillo**

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### § 342-39 Construal of standards.

The following standards are to be considered minimum and may be increased, where required by the Board of Appeals, as a condition of approval under Article X.

### § 342-40 Places of worship and religious instruction in residential districts.

Places of worship and religious instruction and parish houses shall be on lots of adequate size, with sufficient parking and screening as determined by the Board of Appeals.

### § 342-41 Agricultural uses.

Permitted farms, truck gardens, greenhouses, nurseries and arboretums shall meet the following additional requirements: Buildings other than dwellings and buildings accessory thereto, any heating plant and any fertilizer storage shall be set back at least 75 feet from any lot line, except that buildings for the housing of livestock shall be set back at least 200 feet from any lot line.

### § 342-42 Clubs and recreational uses.

Clubs and other recreational structures and uses permitted under Articles V and X shall:

- A. Be on lots of adequate size with sufficient parking and screening as determined by the Board of Appeals.
- B. Have no outdoor entertainment, live or mechanical, except under permission granted by the Village Manager for particular occasions.
- C. Have no exterior lighting other than that essential to the safe and convenient use of the premises, which lighting shall meet the standards of § 342-18.
- D. Have no outdoor public address systems, except for such as may be specifically permitted under the approval of Article X.

#### § 342-42.1 Massage establishments.

[Added 3-27-2006 by L.L. No. 3-2006, effective 4-10-2006]

- A. Requirements for massage establishments. A permitted massage establishment located within the Village shall adhere to all the requirements set forth under Article XVI of this Code as well as the following requirements:
  - (1) No massage establishment shall be established until the issuance of a special use permit by the Board of Appeals (See Article X.) and in strict adherence to Article XI, Site Development Plan Approval, of this Code. Said permit shall be required to be renewed every two years.
  - (2) Each applicant must furnish a copy of a New York State license as a massage therapist and must possess a copy of a current New York State registration certificate for itself and each of its employees.
  - (3) No permit shall be issued to an applicant for the operation of a massage establishment until an applicant has provided a register of contact phone numbers, home addresses and social security numbers of the owner and all employees to the Village Police Department. It is the responsibility of the owner of a massage establishment to keep these records current and notify the Village Police Department of any changes and updates to these records. A copy of the register shall be maintained by the Village Clerk and shall be made available at the massage establishment to representatives of the Village during regular business hours.
  - (4) All massage establishments shall have visible signage, indicating the existence of a commercial business, and said signage shall be in strict adherence to Chapter 286 of this Code.
  - (5) All massage establishments shall display in a prominent place, visible to all clients, the special use permit issued under this chapter, the New York State licenses to act as a massage therapist and current New York State registration certificates, for itself, owners and all its employees.

- (6) All advertising by massage establishments shall include, in the very least, a valid phone number as well as a bona fide street address.
  - (7) All massage establishments shall permit representatives of the Village Police Department, Fire Department, Code Enforcement Officer or other Village departments or agencies to inspect its premises for the purpose of ensuring compliance with the law at any time it is occupied or open for business.
  - (8) Each applicant who wishes to establish a massage establishment shall submit two sets of fingerprints to the Village Police Department. Said fingerprints shall be taken by the Village Police Department, and the applicant shall pay a fee as set forth by the Police Department. If the applicant is a company or corporation, then two full sets of fingerprints of the principal officer of said company or corporation shall be provided in accordance with this subsection. The Police Department shall forward the applicant's fingerprints to the New York State Division of Criminal Justice Services (DCJS) and shall be responsible for reviewing the criminal history record information disseminated by the DCJS. A certified check or money order, in the amount specified by and made payable to the DCJS to cover the cost of processing fingerprints, shall also be provided by the applicant.
  - (9) Each applicant who wishes to establish a massage establishment shall also submit a complete statement of all convictions of the applicant and all its employees for any felony or misdemeanor or violation, except summary traffic violations.
  - (10) The holder of a massage establishment special use permit shall notify the Code Enforcement Officer of each change in any of the data required to be furnished by this chapter within 10 days after such change occurs.
  - (11) The maximum hours of operation of massage establishments shall be from 8:00 a.m. to 10:00 p.m.
  - (12) Any person who knowingly owns, manages or maintains a massage establishment in any way which is contrary to the provisions and regulations of this chapter and Code shall be subject to prosecution under this Code or by civil injunction by the Village Attorney or his designee in any court of competent jurisdiction.
  - (13) The continuation of a violation of the provisions of this chapter shall constitute, for each day the violation is continued, a separate and distinct offense hereunder.
  - (14) Each violation of the provisions of this chapter shall subject the owner and/or operator to a fine in the amount of \$500 for each such violation in addition to any other penalties otherwise imposed hereunder.
- B. Issuance of special use permit for massage establishment. The Board of Appeals shall issue a special use permit for a massage establishment if all the requirements for a massage establishment special use permit under this section are met, unless they find that:
- (1) The correct special use permit fee has not been tendered to the Village.
  - (2) The operation, as proposed by the applicant, if permitted, would not comply with all applicable federal, state and local laws, ordinances or regulations.
  - (3) The applicant fails to provide the required New York State licenses and current New York State registration certificates for itself and its employees.
  - (4) Conviction of offenses.
    - (a) An applicant or any current employee has been convicted of an offense involving:
      - [1] The use of force and violence upon a person that amounts to a felony;
      - [2] Sexual misconduct; or
      - [3] Narcotics, dangerous drugs or dangerous weapons.
    - (b) A special use permit may be issued to any applicant convicted (or an employee convicted) of any of the crimes described above if the Village finds that such conviction occurred at least five years prior to the date of the application.
  - (5) The applicant has knowingly made any false, misleading, or fraudulent statement of fact in the special use permit application or in any document required by the Village in conjunction therewith.



- (6) The applicant has had a **massage business**, or other special use permit, denied, revoked, or suspended by the Village or any other state or local agency **within five years** prior to the date of the application.
- (7) The applicant, if an individual, or any of the officers and directors, if the applicant is a corporation; or any of the partners, including limited partners, if the applicant is a partnership; and the manager or other person principally in charge of the operation of the massage establishment is not over the age of 18 years.
- C. Revocation or suspension of special use permit for massage establishment. A massage establishment's special use permit may be **revoked or suspended by the Code Enforcement Officer** where it appears that the owner, applicant or an employee has been convicted of any offense which would be cause for denial for a special use permit upon an original application, has made a **false statement** on an application for a special use permit, or has committed an act in **violation of this article**.

### § 342-43 Transformer stations.

A permitted transformer station located in a residence district shall meet the following requirements:

- A. The lot shall have an area of not less than 10,000 square feet and a frontage of not less than 75 feet.
- B. The installation shall be so designed, enclosed, painted or colored and screened with evergreens that it shall be harmonious with the area in which it is located.
- C. The entire property shall be suitably landscaped and maintained in reasonable conformity with the standards of property maintenance of the neighborhood in which it is situated and in full accord with the standards and requirements of § 342-16.
- D. The installation shall be surrounded by protective fencing and gates, which shall be closed and locked except when necessary to obtain access thereto.

### § 342-44 Cleaning and laundry pickup stations.

Except in manufacturing districts, permitted cleaning and laundry pickup stations shall not conduct any washing of wearing apparel or household effects on the premises, and any other cleaning of such apparel or effects on the premises shall be permitted only if noncombustible solvent is used, except for incidental removal of spots. Motive power shall be electric and of not more than five horsepower. Self-service automatic laundry and dry-cleaning establishments shall contain no more than 30 machines in any one establishment.

### § 342-45 Food service establishments and taverns.

[Amended 12-20-1973, effective 12-27-1973; 1-22-1996 by L.L. No. 1-1996, effective 1-31-1996]

No food service establishment or tavern shall provide outdoor counter, drive-in or curb service, but it may provide service at tables on a porch or terrace where this is incident and clearly subordinate to the operation conducted within the main building. In a C-1 District, no more than 20% of all indoor seats in a food service establishment or tavern shall be counter seats. In a C-2 District, no fast-food restaurant, carry-out restaurant or delicatessen shall be permitted on Mamaroneck Avenue closer than 200 linear feet to another existing fast-food restaurant, carry-out restaurant or delicatessen on the same side of the avenue. Such distance shall be measured from the closest lot line of the respective food service establishments.

### § 342-46 (Reserved) <sup>[1]</sup>

[1] Editor's Note: Former § 342-46, Public garages and motor vehicle filling stations, as amended, was repealed 3-8-1999 by L.L. No. 5-1999, effective 3-17-1999.

### § 342-46.1 Motor vehicle filling/service stations.

[Added 3-8-1999 by L.L. No. 5-1999, effective 3-17-1999]

- A. No driveway to or from any motor vehicle filling/service station and no underground motor fuel storage tank, outdoor gasoline pump or automotive appliance shall be located within 200 feet, measured along the street line of the side of any street on which such motor vehicle filling/service station has its main frontage and which such driveway would cross, of the boundary line of any residential district or of any school, church, park, playground, hospital, public library, institution